

Message Text

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ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 SIL-01 LAB-04 CEA-01 TRSE-00
STR-07 COME-00 NSC-05 L-03 CIAE-00 INR-10 NSAE-00
/050 W
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R 302322Z JUN 78
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8686
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

CONFIDENTIAL SAN SALVADOR 3378

E.O. 11653 GDS
TAGS: ELAB, ETRD, ES
SUBJECT: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: (A) STATE 136706, (B) SAN SALVADOR 2541

1.

EMBASSY HAS AVAILABLE THE FOLLOWING INFORMATION ON
THE TOPICS COVERED IN REF A:

(A) THERE DO NOT APPEAR TO BE ANY PROVISIONS IN SALVADORAN
CONSTITUTION OR ELSEWHERE FOR SLAVE, INDENTURED, OR OTHER
FORCED LABOR IN EXPORT OR IMPORT SUBSTITUTING PRODUCTION.
IN SACT, ARTICLE 181 OF SALVADORAN CONSTITUTION STATES:
"LABOR IS A SONIAL FUNCTION; IT ENJOYS THE PROTECTION OF THE STATE,
AND IT IS NOT REGARDED AS AN ARTICLE OF COMMERCE." IN PRACTICE,
THERE DOES NOT APPEAR TO BE ANY FORCED LABOR.

(B) ARTILCE 182 (10) OF SALVADORAN CONSTITUTION STATES:
"PERSONS UNDER FOURTEEN YEARS OF AGE, AND THOSE WHO ARE OLDER
BUT SUBJECT TO COMPULSORY EDUCATION REQUIRED BY LAW, MAY NOT
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BE EMPLOYED IN ANY TYPE OF WORK. THEIR EMPLOYMENT MAY BE AUTHOR-
IZED IF THIS IS CONSIDERED INDISPENSABLE FOR THE MAINTENANCE OF
THE WORKER OR HIS FAMILY, PROVIDED THAT THIS WILL NOT PREVENT
COMPLIANCE WITH THE MINIMUM REQUIREMENTS OF COMPULSORY EDUCATION."
THIS PROVISION SEEMS TO BE GENERALLY ENFORCED IN INDUSTRIAL AND
LARGER BEUSINESS CONCERSN, WITH EXCPETIONS TO STANDARD PERHAPS
BEING MORE EVIDENT IN THE COUNTRYSIDE.

WITH RESPECT TO MINIMUM WAGES, ARTICLE 182 (2) OF SALVADORAN CONSTITUTION STATES: "EVERY WORKER HAS THE RIGHT TO EARN A MINIMUM WAGE, WHICH SHALL BE FIXED PERIODICALLY. IN FIXING THIS WAGE, ATTENTION SHALL BE GIVEN PRIMARILY TO THE COST OF LIVING, THE TYPE OF WORK, THE VARIOUS SYSTEMS OF REMUNERATION.

AND THE VARIOUS REGIONS OF PRODUCTION. THIS WAGE MUST BE SUFFICIENT TO SATISFY THE NORMAL HOME NEEDS OF A WORKER IN THEIR MATERIAL, MORAL, AND CULTURAL ASPECTS. FOR PIECEWORK AND WORK PAID BY THE JOB OR ON A PERCENTAGE BASIS, IT IS COMPULSORY TO ENSURE THE MINIMUM WAGE PER DAY OF WORK."

(C) APPLICABLE PROVISIONS OF SALVADORAN CONSTITUTION ARE: "THE NUMBER OF HOURS OF NIGHT WORK AND WORK IN DANGEROUS OR UNHEALTHFUL TASKS SHALL BE LESS THAN FOR DAYTIME WORK AND SHALL BE REGULATED BY LAW" - ARTICLE 182 (6); "WORK BY PERSONS UNDER EIGHTEEN YEARS OF AGE AND BY WOMEN IN DANGEROUS OR UNHEALTHFUL WORK IS PROHIBITED" - ARTICLE 182 (10); AND "EMPLOYERS ARE REQUIRED TO PAY COMPENSATION, TO PROVIDE MEDICAL AND PHARMACEUTICAL SERVICES AND OTHERS ESTABLISHED BY LAW FOR WORKERS WHO ARE VICTIMS OF WORK ACCIDENTS OR ANY OCCUPATIONAL DISEASE" - ARTICLE 184. FOR AN EVALUATION OF SALVADORAN PRACTICE IN THIS AREA BY TWO DOL OFFICERS WHO MADE A TRIP TO SAN SALVADOR MAY 15-19, 1978, SEE REF B.

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(D) THE GOES HAS ESTABLISHED THE SAN BARTOLO "FREE TRADE ZONE" NEAR SAN SALVADOR BUT ZONE DOES NOT APPEAR TO HAVE LEVEL OR "DE FACTO" GOVERNMENT BANS ON UNIONS, COLLECTIVE BARGAINING OR STRIKES; NOT DOES ZONE APPEAR TO HAVE CONTROLLED OR ARTIFICIALLY DEPRESSED WAGE LEVELS. THE ZONE WAS, HOWEVER, CONSIDERED TO BE SOMETHING OF A SAFEHAVEN FROM THE PENETRATION OF TRADE UNIONS UNTIL A REPRESENTATION ELECTION (HELD UNDER AUSPICES OF MINISTRY OF LABOR) AT EAGLE INTERNATIONAL (AS SUBSIDIARY OF ZWICKER MILLS OF WISCONSIN) RESULTED IN THE FIRM'S WORKERS ACQUIRING A DULY CONSTITUTED BARGAINING AGENT (SEE SAN SALVADOR 2916).

DEVINE

NOTE BY OC/T: TELEGRAM DELAYED IN TRANSMISSION.

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NNN

Message Attributes

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Decapton Date: 01 jan 1960
Decapton Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
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